

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action of March 17, 2008. Claims 1-26 were examined in that Office Action, and all claims were rejected. By the present Amendment, Applicants have amended claims 1, 13, 18, and 24. No claims have been canceled or added. Therefore, claims 1-26 remain present for examination. No new matter is added by these amendments. Claims 1, 13, 18, and 24 are independent claims. Applicant respectfully requests reconsideration of this application as amended.

Claim Rejections under 35 U.S.C. § 102

Claims 1-5, 9-16, 18-21, 24 and 26 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0167231 A1 to Winking et al. ("**Winking**").

Applicants respectfully submit that Winking discloses a "system [in which] a client is able to submit payment transactions in different formats for processing. Depending on the submission format, the payment transaction can be processed by either a batch process or a right-time process. The right-time process processes the payment transaction in real-time upon submission thereby allowing the corresponding credit account to be updated in a more timely manner." (Winking at Abstract). Winking further discloses that "if the credit account has a history of bounced check payments and the payment amount is made in check, then the available credit may not be adjusted until the check is cleared. On the other hand, if the payment amount was made in cash, then the full payment amount may be applied to the available credit." (*Id.* at page 3, paragraph 0024).

In contrast, claim 1, and similarly claims 13, 18, and 24, as amended, recite that "based on an analysis of the retrieved history of profile records, *generating a behavior score associated with the credit account*, wherein the behavior score assigns a level of risk to the credit account." (Emphasis provided.) Applicants submit that nowhere does Winking teach or suggest generating a behavior score associated with the credit account. Claim 1 further recites that "based on the behavior score, determining whether to perform one of the following: *float the payment, float part of the payment and apply the rest of the payment, and apply the payment in*

full." (Emphasis provided.) Applicants respectfully submit that Winking also fails to teach or suggest such an operation. Nowhere does Winking teach or suggest determining dynamically whether to float all, part, or none of a payment based on the behavior score (or level of risk) associated with a credit account. Conversely, the system in Winking is static in that it either floats or applies the entire payment amount in an all-or-nothing fashion. Accordingly, Winking fails to provide the flexibility and adaptability realized in claim 1. Therefore, for at least these reasons, Applicants submit that claim 1, and similarly claims 13, 18, and 24 are patentable over Winking.

Furthermore, claims 2-12, 14-17, 19-23 and 25-26 depend from independent claims 1, 13, 18 and 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 2-12, 14-17, 19-23 and 25-26 are also allowable. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 103

Claims 6-8, 17, 22-23 and 25 have been rejected under 35 U.S.C. § 103(a) as being obvious over Winking in view of Official Notice.

Claims 6-8, 17, 22-23 and 25 depend from one of independent claims 1, 18, or 24. Thus, by virtue of their dependence on an allowable independent claim, Applicants submit that claims 6-8, 17, 22-23 and 25 are also allowable. Accordingly, Applicants respectfully request that these rejections be withdrawn.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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